

REMARKS

The Office examined claims 1-22 and rejected claims 1-3, 7-13 and 17-20. This paper requests entry of an amendment that would incorporate into claims 1 and 11 a definition of "link adaptation" provided at page 4, line 7 of the application. The amendment also amends claims 2-3 and 12-13 to clarify that the invention includes first and second quality indications that are not e.g. an SIR value according to any particular formula, but instead information about the quality of the communication link as indicated by an SIR value, and so "based on" an SIR value.

Applicant respectfully submits that the amendment should be entered because the term "link adaptation" is a term of art, and all that is being done in the amendment is to incorporate into the claims the definition according to the art, and, in addition, to refine the language used in providing examples of the first and second quality indications. Thus, the amendment should not require a new search, and so the amendment is consistent with the requirements of 37 CFR 1.116; i.e. it does not touch the merits of the application; it does not raise any new issues; it does not require any further searching of prior art; and it places the application in condition for allowance. Further, the amendment places the claims in better form for consideration on appeal.

Rejections under 35 USC §102

At paragraph three of the Office action, claims 1-3, 7-8, 10-13, 17-18 and 20 are rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 6,639,934 to Engstrom et al. Engstrom is directed to power control, and nowhere mentions link adaptation--now defined expressly in the claims as resulting in a change in coding (including e.g. error correction coding) or modulation level (number of bits per modulation symbol) or both--to which all the claims of the application are directed. Thus,

Engstrom nowhere teaches a step of, or means for, deciding to perform link adaptation based on a first and second indication of the quality of a signal, as recited in claim 1 and 11, which are the only two independent claims of the application.

Accordingly, applicant respectfully requests that all rejections under 35 USC §102 based on Engstrom be reconsidered and withdrawn.

Rejections under 35 USC §103

At paragraph 6 of the Office action, claims 9 and 19 are rejected under 35 USC §103 as being unpatentable over Engstrom in view of U.S. Pat. 6,085,108 to Knutsson et al.

For the reasons given above, claims 1 and 11 are believed patentable, and since claims 9 and 19 depend from either claim 1 or claim 11, applicant respectfully requests that the rejections under 35 USC §103 of claims 9 and 19 be reconsidered and withdrawn.

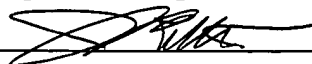
Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

Respectfully submitted,


James A. Retter
Registration No. 41,266

tel: (203) 261-1234
Cust. No.: 004955